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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

FILE: B-202349

DATE: March 23, 1981

MATTER OF: Arndt & Arndt

**DIGEST:**

Bid protest is dismissed as premature where it does not concern immediate procurement but instead challenges fairness of possible future solicitations.

*[Protest of]* Arndt & Arndt (Arndt), on behalf of Pulaski Furniture Corporation and Beelner & Thomas, objects to the use of a brand name or equal specification in the procurement of furniture under the Federal Supply Schedule administered by the General Services Administration (GSA). Arndt alleges that the use of the brand name or equal provision gives the manufacturer whose furniture is specified an unfair advantage over other bidders.

Our Bid Protest Procedures are reserved only for considering whether an award or proposed award of a contract complies with statutory, regulatory, or other legal requirements. Koolshade Corporation, B-197897, September 21, 1980, 80-2 CPD 164. There is no award or proposed award at issue here. Arndt is questioning GSA procurement policy concerning the use of the brand name or equal clause in future procurements, not a current reviewable procurement. Under these circumstances, we believe the protest is premature and is not for consideration on the merits. General Mills, Inc., B-199359, September 5, 1980, 80-2 CPD 179; Koolshade Corporation, supra.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel

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